

SECTION

309.XXX

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309.010: Authority

Emergency Assistance (EA) to needy families with dependent children under the age of 21 or to a pregnant woman without any dependent children shall be made available in accordance with the provisions of this chapter.

309.020: Eligibility

Emergency Assistance may be provided, in accordance with the timetable in 106 CMR 309.050, on behalf of a needy child under the age of 21 or a pregnant woman without any needy children and other members of the assistance unit provided the following criteria are met.

## (A) The child:

- (1) is living within the EA assistance unit. For the purposes of Chapter 309, the assistance unit consists of the needy child(ren), the parent(s), stepparent or caretaker relative(s) of the needy child, and the siblings (including half-siblings and step-siblings) of the needy child, who themselves are under the age of 21.

In extraordinary circumstances, the Department may include other relatives of the needy child in the EA assistance unit with the approval of the TAO Director/designee.

Verification of relationship to the needy child shall be in accordance with 106 CMR 203.585; or

- (2) in the case of a pregnant woman, is an unborn child. For the purposes of Chapter 309, the assistance unit consists of the pregnant woman and her spouse. The pregnancy must be verified in writing by a statement from a competent medical authority as defined in 106 CMR 701.600.

- (B) The child or pregnant woman's need has not occurred because the child or pregnant woman or a relative with whom the child or pregnant woman lives refused without good cause, as defined in 106 CMR 701.380: *Good Cause Criteria*, to accept employment or training for employment.
- (C) Emergency Assistance benefits for the assistance unit will be denied if the EA applicant or a member of the AU reduced his or her earnings from employment or terminated his or her employment within 90 days prior to the month of application without good cause as defined in 106 CMR 701.380: *Good Cause Criteria*.
- (D) Emergency Assistance benefits for the assistance unit will be terminated if an EA AU member reduces his or her earnings from employment or terminates his or her employment without good cause as defined in 106 CMR 701.380: *Good Cause Criteria*.

- (E) The assistance unit must meet the monthly gross income standards.

Gross income shall be determined in accordance with 106 CMR 204.210 through 204.250. TAFDC, EAEDC, and SSI are countable income;

<u>AU Size</u>	<u>EA Eligibility Standard</u>
1	749.00
2	1010.00
3	1272.00
4	1534.00
5	1795.00
6	2057.00
7	2319.00
8	2580.00
9	2842.00
10	3104.00
incremental	262.00

Emergency Assistance benefits will be denied or terminated if the assistance unit's monthly gross income exceeds the EA Eligibility Standard for an assistance unit of that size.

- (F) The assistance unit's total countable assets do not exceed \$2500. Assets of both TAFDC and non-TAFDC recipients are determined in accordance with 106 CMR 204.120 through 204.140. EA assistance units composed solely of TAFDC recipients are automatically asset-eligible.
- (G) Emergency Assistance may be provided to or on behalf of an EA assistance unit member who is a citizen in accordance with 106 CMR 203.670, an American Indian in accordance with 106 CMR 203.685, a noncitizen in accordance with 106 CMR 203.675, or a noncitizen lawfully admitted for permanent residence or otherwise permanently residing under color of law in the U.S. An assistance unit consisting only of noncitizens neither described in 106 CMR 203.675, nor admitted for permanent residence, nor residing under color of law in the U.S. is ineligible for Emergency Assistance benefits.
- (H) No member of the EA assistance unit has within one year immediately prior to the filing of an application for Emergency Assistance made an assignment or transfer of real or personal property for the purpose of becoming eligible for Emergency Assistance.
- (I) An EA assistance unit is required to report to the Department within 10 calendar days any change in circumstances as specified in 106 CMR 701.420 that may affect its continued EA eligibility. Continued eligibility for EA must be reviewed any time that the Department obtains information indicating a change in the EA assistance unit's circumstances and needs more information to determine the exact effect of the change(s) on its continued EA eligibility. The eligibility review shall include a review of all financial and nonfinancial aspects of the EA assistance unit's eligibility. The EA assistance unit must provide the applicable verifications specified by the Department for continued eligibility.
- (J) If an applicant EA assistance unit either fails to appear at the designated placement without good cause as defined in 106 CMR 701.380: *Good Cause Criteria* or 106 CMR 309.021(D) or refuses a placement offered by the Department, the assistance unit will be ineligible for EA for the twelve months following the refusal or failure to appear.

309.021: Other Eligibility Conditions

- (A) Unless otherwise specified in this chapter, the regulations specified in 106 CMR 204, 701, 702 and 706 apply.
- (B) 106 CMR 309.070 contains Department notification requirements and fair hearing rights.
- (C) Eligibility for a particular EA benefit(s) is subject to the circumstances and provision of the verification(s) specified in 106 CMR 309 for the specific benefit at the time of the provision of such benefit.
- (D) In addition to the good cause criteria in 106 CMR 701.380, transportation issues may be claimed as good cause if the EA AU fails to appear at the initial temporary emergency shelter placement or any subsequent temporary emergency shelter placement.

309.030: Scope of Assistance

- (A) EA benefits for specific items shall not exceed the amounts specified in this chapter.
- (B) Provision of EA benefits shall be subject to legislative appropriation.

309.039: Housing Assistance Program Services

An EA-eligible assistance unit will be referred to the housing assistance program when:

- (A) it has been determined that it may be at risk of losing its current living accommodations; or
- (B) it has been approved for temporary emergency shelter benefits.

The housing assistance program will provide the EA assistance unit with the appropriate housing assistance services to assist the EA assistance unit in retaining their current accommodations or locating and securing private, public or subsidized housing. These services will be provided by an agency under contract or agreement with the Department.

An EA assistance unit that fails to cooperate with housing assistance program services and subsequently becomes homeless as a result of the noncooperation with housing assistance program services is ineligible for temporary emergency shelter benefits, as specified in 106 CMR 309.040(B)(7). An EA assistance unit that fails to cooperate with the housing assistance program services while in a temporary emergency shelter will be found to be in noncompliance with the requirements of maintaining temporary emergency shelter as specified in 106 CMR 309.040(E)(1).

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309.040: Temporary Emergency Shelter(A) Who is Eligible for Temporary Emergency Shelter

- (1) An assistance unit must meet the eligibility criteria specified in this chapter;
- (2) An assistance unit must be homeless due to the lack of feasible alternative housing. Feasible alternative housing means any currently available living situation including temporary housing with relatives, friends or charitable organizations;
- (3) An EA assistance unit is not eligible to receive EA benefits more than once in a 12-month period unless:
  - (a) the EA benefit received was a rental arrearage;
  - (b) the EA benefit received was temporary emergency shelter and the assistance unit left for permanent housing but loses that permanent housing prior to the expiration of the 12-month period and is considered to have a continued need for temporary emergency shelter by demonstrating that the housing into which it moved did not meet the definition of safe, permanent housing as defined in 106 CMR 309.040(D)(2) when the assistance unit moved into it;
  - (c) the EA benefit received was housing assistance program services and the EA assistance unit cooperated with the services in the housing assistance plan; or
  - (d) the EA benefit received was temporary emergency shelter placement, which was interrupted when the assistance unit left for temporary housing and the move to the temporary housing was approved on a form prescribed by the Department.

If one of these exceptions does not apply, the 12-month period begins on the last day emergency shelter was paid for by the Department.

An assistance unit is deemed to have received an EA benefit if the Department has referred the assistance unit to a designated placement for EA shelter.

- (4) An assistance unit must verify that current housing is not feasible alternative housing. The following are the only acceptable verifications:
  - (a) a fire or other natural disaster shall be verified by one of the following:
    - (i) a home visit;
    - (ii) a written assessment report from the Red Cross Emergency Services Department if a Red Cross unit was present at the scene of the natural disaster;
    - (iii) a report signed by a superior officer of the fire department;
    - (iv) a report signed by a member of the police or fire arson squad; or

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- (v) a telephone or verbal verification from a member of the Red Cross Emergency Services Department if a Red Cross unit was present at the scene of the fire. The telephone or verbal verification from the Red Cross Emergency Services Department shall be considered a temporary verification and must be followed up with a written assessment within five working days from the Red Cross Emergency Services Department;
- (b) an eviction shall be verified by written documentation that the judgment for possession of the current residence has been executed and that the landlord refuses to renew the lease with the assistance unit;
- (c) housing that is a threat to the health or safety of the EA assistance unit due to overcrowded conditions or violations of State Sanitary Code shall be verified by written documentation from the local Board of Health, or Code Enforcement Agency, or other agency designated by the Commissioner that either:
  - (i) the dwelling has been determined to be overcrowded in accordance with the State Sanitary Code; or
  - (ii) other State Sanitary Code violation(s) have been identified, the time period allowed to correct the violation(s), and that the violation(s) has not been corrected within the specified time as found in the State Sanitary Code regulations found in 105 CMR 410.000 et seq.;
- (d) housing that is a threat to the health or safety due to reasons other than overcrowding or violations of State Sanitary Code shall be verified by a written assessment from an agency designated by the Commissioner that:
  - (i) a threat exists in the current living arrangement and immediate removal of the EA assistance unit from the living arrangement is required; or
  - (ii) a threat existed in the most recent living arrangement that the EA assistance unit left and the EA assistance unit is unable to return because the threat continues to exist or that living arrangement is not available to the EA assistance unit;

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- (e) mistreatment of an assistance unit member causing the EA assistance unit to leave its current residence shall be verified by a written signed statement from the agency worker providing social services to the individual or family who was mistreated or a written signed statement from the EA assistance unit that describes the nature of the mistreatment; and
  - (f) severe medical condition of an assistance unit member causing the EA assistance unit to leave its current residence shall be verified by a signed statement from a competent medical authority as defined in 106 CMR 701.600 indicating the nature of the severe medical condition and the medical reason(s) compelling the EA assistance unit to move.
- (5) An assistance unit requesting temporary emergency shelter benefits must verify the lack of feasible alternative housing with relatives, friends or charitable organizations in accordance with 106 CMR 702.340.

(B) Shelter Ineligibility

An EA assistance unit shall not be eligible for EA temporary emergency shelter benefits if it became homeless:

- (1) for the purpose of making itself eligible for EA;
- (2) for the purpose of obtaining a housing subsidy;
- (3) because it was evicted from public and/or subsidized housing for nonpayment of rent;
- (4) because it was evicted from private, public and/or subsidized housing because of criminal activity, except when the criminal activity was committed by a domestic violence batterer who is no longer part of the assistance unit;
- (5) because it was evicted from private, public and/or subsidized housing for destruction of the property;
- (6) because it lost its housing under an agreement for judgment in eviction proceedings brought in whole or in part for the reasons referenced in (3), (4) or (5) above;
- (7) because it failed to cooperate with housing assistance program services provided by an agency under contract or agreement with the Department as specified in 106 CMR 309.039; or
- (8) because the teen parent age 18 or older was asked to leave three Teen Living Programs for rule violations or other behavior-related issues or the teen parent refuses to accept a placement in a Teen Living Program.



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(C) Temporary Emergency Shelter Placements

An EA-eligible assistance unit homeless due to the lack of feasible alternative housing in accordance with 106 CMR 309.040(A)(2) shall be approved for temporary emergency shelter. Any temporary emergency shelter placement must be approved by the Transitional Assistance Office Director or designee. Such approval for placement may be withdrawn or temporary emergency shelter benefits terminated if feasible alternative housing subsequently becomes available.

A temporary emergency shelter placement shall also be subject to the following provisions:

- (1) The Department shall make reasonable efforts to locate temporary emergency shelter that will accommodate the physical composition of the entire assistance unit, i.e. the size of the assistance unit and the age and gender of the assistance unit members.
- (2) An EA assistance unit requiring temporary emergency shelter shall be placed in an appropriate family shelter, substance abuse shelter or other Department-approved accommodations.
  - (a) An EA assistance unit shall be placed in a family shelter when such shelter is available. A room or rooms shall not be considered available if the Department has reserved space for intake cases. Temporary emergency shelter in another approved temporary emergency shelter specified by the Department may be authorized as an interim measure after the Department determines that there is no family shelter with space available.
  - (b) An EA assistance unit having a member with a substance abuse problem shall be referred to the Department of Public Health for placement in a substance abuse shelter when such shelter is available. Temporary emergency shelter in another approved temporary emergency shelter specified by the Department may be authorized as an interim measure if the Department of Public Health determines that there is no substance abuse shelter with space available or appropriate for the family needs.
  - (c) If an EA assistance unit contains more than one adult (individual 21 or older), the Department may make alternative sheltering arrangements for the additional adult(s) with the approval of the TAO Director/designee.
- (3) The Department-approved family shelter shall be located within 20 miles of the EA assistance unit's home community unless the EA assistance unit requests otherwise;

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- (4) The EA assistance unit will be placed in an interim placement, such as shelter beyond 20 miles or a hotel/motel, only if appropriate Department-approved family shelter space is not available. During this interim placement, the EA assistance unit must attend the family shelter interview(s) at family shelter(s) specified by the Department. The assistance unit shall be advised at the time of placement that:
  - (a) it will be transferred from a shelter beyond 20 miles into an appropriate Department-approved family shelter within 20 miles of its community at the earliest possible date unless the EA assistance unit requests otherwise; or
  - (b) it will be transferred from another interim shelter into an appropriate Department-approved family shelter at the earliest possible date.

(D) Conditions for Shelter Benefits

- (1) The EA assistance unit must make all reasonable efforts that can significantly and directly contribute to the assistance unit's ability to find, obtain or retain safe, permanent housing. The EA assistance unit placed in temporary emergency shelter must cooperate in the development of and participate in the activities outlined in the EA assistance unit's plan for self-sufficiency.
- (2) The plan for self-sufficiency will be developed by the Department representative and the shelter staff person, the housing assistance program worker and the adult members of the EA assistance unit. The plan will contain the activities to be performed by the adult members of the EA assistance unit that will lead to the EA assistance unit's finding safe, permanent housing.

Activities in the plan for self-sufficiency shall include, but are not limited to:

- (a) cooperating with housing assistance program services by actively looking for safe, permanent housing as described in the EA assistance unit's plan for self-sufficiency. Safe, permanent housing is housing which:
  - 1. complies with the Sanitary Code;
  - 2. takes into consideration the critical medical needs of the members of the EA assistance unit and any domestic violence issues; and
  - 3. the EA assistance unit is capable of maintaining indefinitely, considering the totality of the assistance unit's circumstances, including the assistance unit's income from all sources (including food stamp benefits and child support) in relation to the cost of rent and utilities for the housing, and the cost of meeting the assistance unit's nonshelter needs;

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- (b) attending all scheduled meeting with the assigned housing assistance program worker;
  - (c) meeting with the Department representative and the housing assistance program worker;
  - (d) planning the short-term or long-term goals associated with maintaining permanent housing;
  - (e) providing proof of applications for public and subsidized housing and cooperating in providing needed documentation for public or subsidized eligibility determinations;
  - (f) providing documentation as specified by the Department of efforts to obtain safe, permanent housing in the public and private market; and
  - (g) resolving any outstanding default or arrest warrants by any court of the Commonwealth of Massachusetts.
- (3) The Department may transfer an EA assistance unit from one Department-approved temporary emergency shelter to another for the efficient administration of the EA program.
- (4) The Transitional Assistance Office Director or designee may notify the Department of Social Services (DSS) when temporary emergency shelter is approved for an EA assistance unit so that DSS may provide appropriate support services. The Transitional Assistance Office Director or designee shall notify the DSS when temporary emergency shelter is terminated.
- (5) An EA assistance unit approved for temporary emergency shelter benefits shall be referred to the housing assistance program to receive the appropriate housing assistance program services. The EA assistance unit shall have a Department representative, a shelter staff member, or a staff member from an agency under contract or agreement with the Department assigned to it to assist in the search for safe, permanent housing.

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- (1) The EA assistance unit shall be considered to be in noncompliance with the requirements for maintaining temporary emergency shelter and will be sent a warning notice as specified in 106 CMR 309.070(A)(3) in the first instance that the EA assistance unit does one of the following:

- (a) fails to attend a scheduled family shelter interview without good cause. The following constitutes good cause for failure to attend scheduled family shelter interview(s):

1. A death in the immediate family;
2. A personal injury or illness that reasonably prevents the person from attending the interview(s);
3. A sudden and serious emergency as determined by the Department, that reasonably prevents the person from attending the interview(s);

The verification of the good cause for failure to attend a family shelter interview must be provided by the recipient to the Department within three working days of the scheduled interview.

Verification shall include a copy of death notice for 1. above, a written statement from a competent medical authority for 2., a written statement from the recipient for 3. that explains the emergency that prevented the recipient from attending the scheduled family shelter interview(s), or other appropriate verification determined by the Transitional Assistance Office Director.

- (b) is refused admittance to a family shelter because of unreasonable behavior at the interview;
- (c) fails to cooperate in participating in the activities required by the plan for self-sufficiency as specified in 106 CMR 309.040(D)(2) without good cause as defined in 106 CMR 701.380: *Good Cause Criteria* or fails to cooperate in developing a plan for self-sufficiency;
- (d) rejects one opportunity for safe, permanent housing. The opportunity of safe, permanent housing must take into consideration the current, critical medical needs of members of the assistance unit or any domestic violence issues;

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- (e) the EA assistance unit is cited for accumulating three or more violations of reasonable rules established by the temporary emergency shelter, other than a hotel or motel;
  - (f) the EA assistance unit is posing a threat to the health or safety of self, other residents, guests and/or staff of the temporary emergency shelter for reason(s) other than engaging in criminal activity(ies);
  - (g) the EA assistance unit is cited for one violation of the hotel rules established by the Department or is expelled by the hotel or motel for violation of a reasonable rule.
- (2) In determining whether rules established by the shelter, hotel or motel are reasonable, there is a presumption that any such rule is reasonable.
  - (3) The EA assistance unit shall be considered to be in noncompliance with the requirements for maintaining temporary emergency shelter and will be sent a termination notice as specified in 106 CMR 309.070(A)(1) when the EA assistance unit is determined noncompliant for a second time for one or more of the reasons specified in 106 CMR 309.040(E).
  - (4) Pursuant to 106 CMR 309.040(E)(1)(e), (f) or (g), for the first instance of noncompliance, the EA assistance unit may be placed in another approved temporary emergency shelter as a result of the noncompliance. A notice of transfer shall be given/sent to the EA assistance unit as specified in 106 CMR 309.070(A)(2).

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(F) Termination of Temporary Emergency Shelter Benefits

- (1) The EA assistance unit shall have its temporary emergency shelter benefits terminated when:
  - (a) the EA assistance unit is asked to leave a temporary emergency shelter because there is reasonable cause to believe that a member(s) of the EA assistance unit is engaging in or engaged in a criminal activity that threatens the health, safety and/or security of self, other residents, guests and/or the staff of the temporary emergency shelter;
  - (b) the EA assistance unit is determined noncompliant for a second time for one or more of the reasons specified in 106 CMR 309.040(E);
  - (c) the EA assistance unit either fails to appear at the designated placement without good cause as defined in 106 CMR 701.380: *Good Cause Criteria* and 106 CMR 309.021(D) or refuses the available placement;
  - (d) the EA assistance unit abandons the temporary emergency shelter placement;
  - (e) feasible alternative housing becomes available to the EA assistance unit;
  - (f) the monthly gross income of the EA assistance unit exceeds the EA eligibility standard for an assistance unit of that size.
- (2) The EA assistance unit shall be sent a timely notice of termination in accordance with 106 CMR 309.070.
- (3) An EA assistance unit receiving a termination notice in accordance with 106 CMR 309.040(F)(1)(f) shall be allowed to continue to receive EA shelter benefits for 30 days following the determination of financial ineligibility. During this 30-day period, all income in excess of the EA eligibility standard for an assistance unit of that size should go towards expenses directly related to securing permanent housing.

309.047: Other Services

When appropriate, the following services provided by the Department or by groups operating under interagency agreements or contract with the Department shall be available to members of EA-eligible assistance units.

- (A) Information Services, to give EA assistance units written and verbal data about benefits and programs designed to help the assistance units with emergency situations. Such programs and benefits are offered by public and private agencies.
- (B) Referral Services, to make arrangements for EA assistance units to receive the additional benefits and services the EA assistance units need.

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**106 CMR: Department of Transitional Assistance**

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**309.050: Table of Time Periods for Recipient Actions and Department Actions in the Emergency Assistance Program**

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See 106 CMR 701.500 through 701.530.

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EMERGENCY ASSISTANCE BENEFIT	RECIPIENT VERIFICATION TIME FROM DATE OF DEPARTMENT NOTICE	DEPARTMENT SERVICE DELIVERY TIME (IF VERIFICATION IS TIMELY) FROM DATE OF REQUEST FOR SERVICES
Temporary emergency shelter	2 calendar days	7 calendar days*

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\*The service shall be provided in fewer than seven days when there is serious and imminent risk to the health or safety of the recipient.



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309.070: Notification Requirements and Fair Hearing Rights - EA

The rights and procedures governing fair hearings, as specified in Chapter 343, apply to the EA program, except to the extent that they are inconsistent with 106 CMR 309.070, in which case the provisions of 106 CMR 309.070 apply.

(A) Notification Requirements

The Department shall send written notification of approval, denial, noncompliance and/or termination of EA benefits to the EA assistance unit.

- (1) When the Department determines that it is necessary to terminate EA temporary emergency shelter benefits, the Department shall send the EA assistance unit written notice of termination on a form prescribed by the Department. This notice shall be sent to the address of record. Unless otherwise notified in writing by the EA assistance unit, the Department will use the last shelter address as the address of record. This notice must be sent at least 10 calendar days in advance of the proposed termination date. This notice shall specify:
  - (a) the reason(s) why the EA assistance unit is being terminated; and
  - (b) the date the shelter benefits will be terminated.
- (2) When the EA assistance unit is being transferred from one temporary emergency shelter to another temporary emergency shelter, the Department will give or send the EA assistance unit a written notification of the transfer. Changing the placement of an EA assistance unit from one temporary emergency shelter to another temporary emergency shelter shall be considered a continuance of EA benefits. This transfer notice shall only be given at the time of the change of placement. This notice does not have to meet the requirements of 106 CMR 343.140. The written notice issued pursuant to this section shall be adequate as defined in 106 CMR 343.200(A).
- (3) When the Department determines that the EA assistance unit has a first instance of noncompliance with the requirements of maintaining temporary emergency shelter as described in 106 CMR 309.040(E)(1), the Department shall send a written warning notice of the noncompliance to the EA assistance unit. This noncompliance notice shall specify:
  - (a) the reason(s) why the EA assistance unit is determined to be in noncompliance;
  - (b) that another instance of noncompliance shall result in the termination of the temporary emergency shelter benefits in accordance with 106 CMR 309.040(F); and
  - (c) that the EA assistance unit may request a face-to-face interview with a Department worker to discuss its noncompliance.

This notice does not have to meet the requirements of 106 CMR 343.140. The written notice issued pursuant to this section shall be adequate as defined in 106 CMR 343.200(A).

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(B) Right to a Fair Hearing

## (1) An EA applicant or recipient may appeal:

- (a) the failure of the Department to provide any temporary emergency shelter benefits available under 106 CMR 309.040;
- (b) the termination of temporary emergency shelter benefits pursuant to 106 CMR 309.040(F). The EA assistance unit has the right to appeal the termination based on his or her assertion that the event(s) specified by the Department as the reason(s) for the termination has not occurred;

Only one appeal pursuant to 106 CMR 309.040(F) may be requested by the EA assistance unit. The EA assistance unit may remain in the placement pending the fair hearing decision only with the permission of the temporary emergency shelter;

- (c) whether the Department made reasonable efforts to locate temporary emergency shelter that would accommodate the physical composition of the entire assistance unit, i.e. the size of the assistance unit and the age and gender of the assistance unit members pursuant to 106 CMR 309.040(C)(1);
- (d) whether the Department made reasonable efforts to offer placement to the EA assistance unit pursuant to 106 CMR 309.040(C)(3); or
- (e) a finding of the first instance of noncompliance made pursuant to 106 CMR 309.040(E)(1) based only on the EA assistance unit's assertion that the events specified by the Department as the reasons(s) for the noncompliance did not occur.

- (2) The appeal request must be received by the Division of Hearings within 21 calendar days of the date of the notice of the Department's proposed action, findings of noncompliance, or placement. There shall be no waiver of the requirement that the Division of Hearings receive requests for an appeal filed pursuant to this section within 21 calendar days of the date of the notice.

A timely appeal request is one received by the Division of Hearings within the timely notice period of 10 days, as specified in 106 CMR 309.070(A)(1). A timely appeal of termination request will result in aid pending the appeal decision.

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- (3) Other than in the circumstances specified in 106 CMR 309.070(B)(1), EA applicants and recipients may not appeal the Department's decision as to the type, location or particular temporary emergency shelter provided or the Department's decision to change the temporary emergency shelter placement.
- (4) The EA assistance unit shall be given written and/or oral notice of the date, time and place of the hearing. Such notice shall be communicated so as to allow receipt by the EA assistance unit at least two working days prior to the hearing date.
- (5) There shall be an expedited hearing and an expedited fair hearing decision for all appeals of temporary emergency shelter decisions including initial placement(s), findings of noncompliance, transfer(s) and termination(s). A decision may be implemented by the Department three working days after the decision is mailed to the household. An applicant or recipient may not have the hearing postponed, continued, or rescheduled without good cause as specified in 106 CMR 343.320(D). The verification of good cause for failure to appear for a hearing must be provided by the recipient within five working days of the scheduled hearing.
- (6) Temporary emergency shelter benefits continued pending an appeal decision shall be in a shelter designated by the Department. The EA assistance unit may remain in the temporary emergency shelter placement location occupied on the date of the appeal pending the fair hearing decision with the approval of the shelter provider.